

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 54
AGENDA DATE: Thu 03/23/2006
PAGE: 1 of 1

SUBJECT: C14-05-0209 - Big 4 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 221 Ralph Ablanado Drive (Onion Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to limited industrial services-conditional overlay (LI-CO) combining district zoning. First reading approved on March 2, 2006. Vote: 7-0. Applicant: Big 4 Auto Parts (Jim Pallas). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-05-0209

REQUEST:

Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 221 Ralph Ablanedo Drive (Onion Creek Watershed) from single family residence standard lot (SF-2) district zoning to limited industrial services – conditional overlay (LI-CO) combining district zoning. The Conditional Overlay addresses scrap and salvage as the only the LI use, permits all general commercial services (CS) uses except for pawn shop services, and limits the development of the property to 300 trips per day beyond the existing trips generated by the site.

DEPARTMENT COMMENTS:

The Conditional Overlay incorporates the conditions imposed by the City Council at First Reading.

OWNER/APPLICANT: Big 4 Auto Parts (Jim Pallas)

AGENT: Jim Bennett Consulting (Jim Bennett)

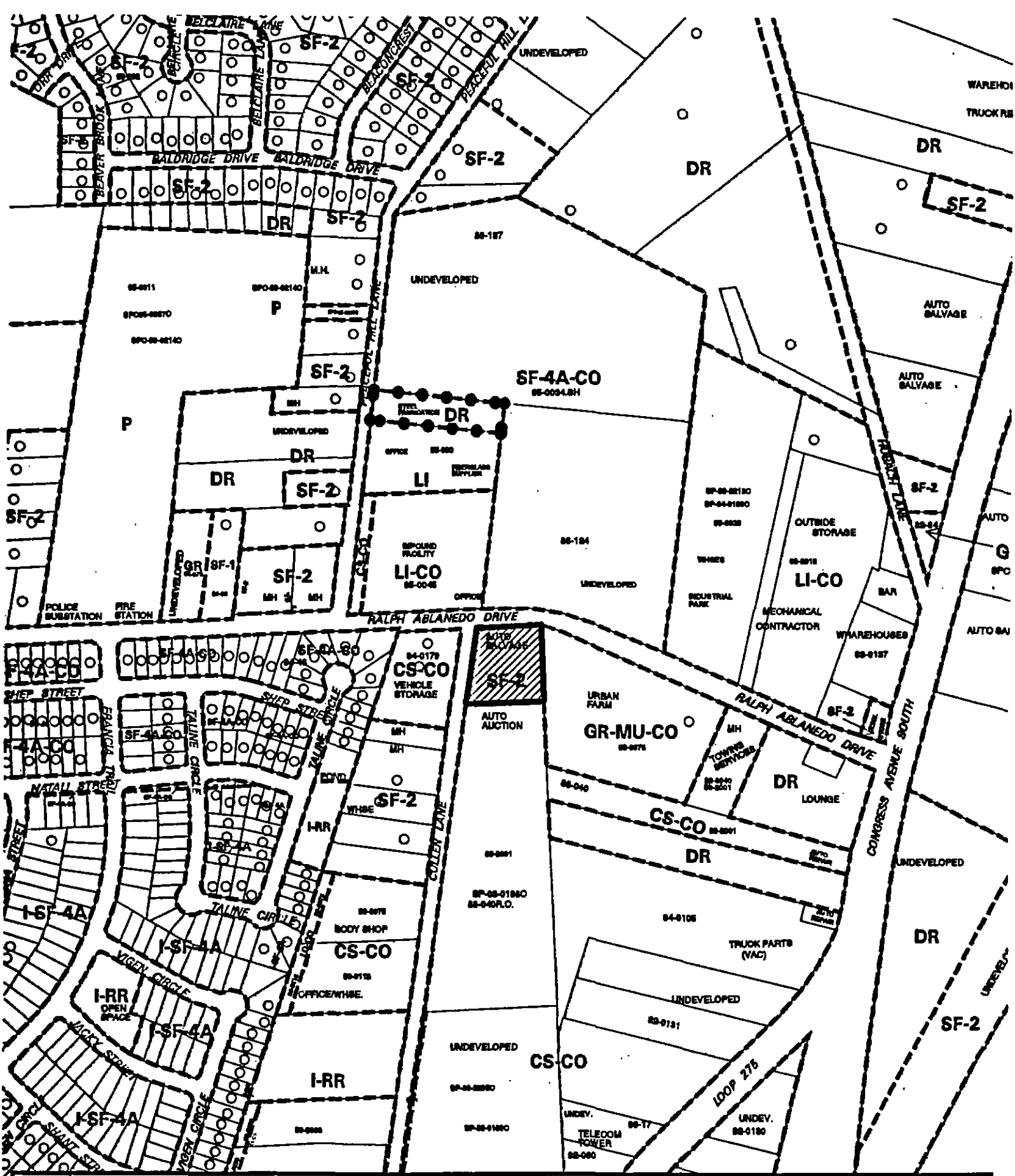
DATE OF FIRST READING: March 2, 2006, approved LI-CO district zoning, on First Reading (7-0).

CITY COUNCIL HEARING DATE: March 23, 2006

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT		ZONING CASE #: C14-05-0209 ADDRESS: 221 RALPH ABLANEDO DR SUBJECT AREA (acres): 1.200	DATE: 06-01 INTLS: SM	CITY GRID REFERENCE NUMBER G14
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: W. WALSH				

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 221 RALPH ABLANEDO DRIVE FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO LIMITED INDUSTRIAL SERVICES-CONDITIONAL OVERLAY (LI-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from single family residence standard lot (SF-2) district to limited industrial services-conditional overlay (LI-CO) combining district on the property described in Zoning Case No. C14-05-0209 on file at the Neighborhood Planning and Zoning Department, as follows:

A 1.232 acre tract of land, more or less, out of Lot 1, Tom F. Dunnahoo Subdivision, in Travis County, the tract of land being more particularly described by metes and bounds in a deed of record in Volume 7398, Page 170, of the Deed Records of Travis County, Texas (the "Property"),

locally known as 221 Ralph Ablanedo Drive, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. The following uses are prohibited uses of the Property:

Basic industry	General warehousing and distribution
Light manufacturing	Liquor sales
Marina	Pawn shop services
Recycling center	Resource extraction

2. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 300 trips per day above the trips generated by the existing or approved development.

1
2 Except as specifically restricted under this ordinance, the Property may be developed and
3 used in accordance with the regulations established for the limited industrial services (LI)
4 base district and other applicable requirements of the City Code.

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6 **PART 3.** This ordinance takes effect on _____, 2006.

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9 **PASSED AND APPROVED**

10
11
12 _____, 2006

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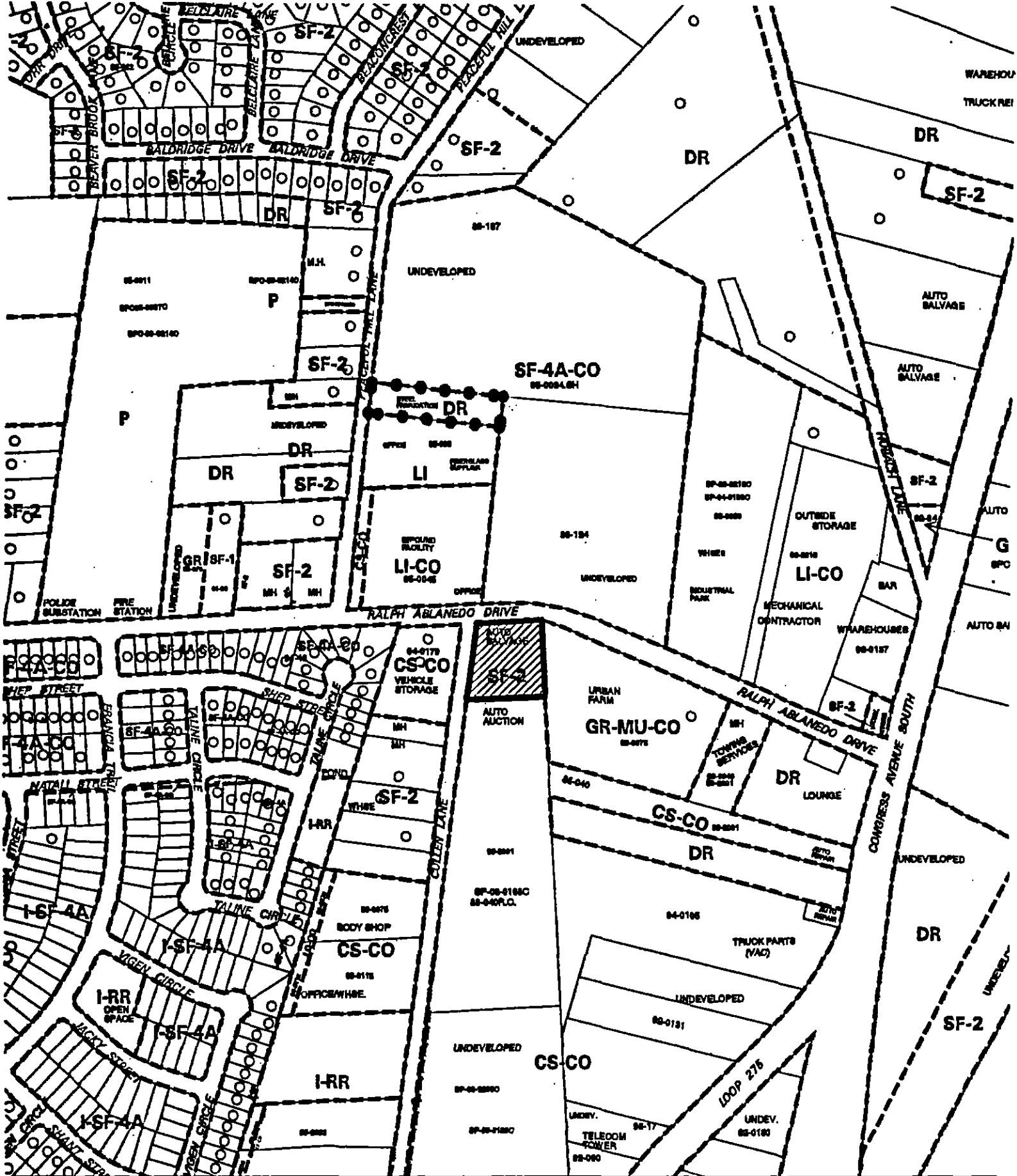
13
14 Will Wynn
15 Mayor


16
17
18 **APPROVED:** _____

19 David Allan Smith
20 City Attorney

ATTEST: _____

Shirley A. Gentry
City Clerk





1" = 400'

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: W. WALSH

ZONING EXHIBIT A

CASE #: C14-05-0209

ADDRESS: 221 RALPH ABLANEDO DR

SUBJECT AREA (acres): 1.200

DATE: 06-01

INTLS: SM

**CITY GRID
REFERENCE
NUMBER**

G14

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0209

Z.P.C. DATE: January 17, 2006
January 31, 2006

ADDRESS: 221 Ralph Ablanedo Drive

OWNER: Big 4 Auto Parts
(Jim Pallas)

AGENT: Jim Bennett Consulting
(Jim Bennett)

ZONING FROM: SF-2 **TO:** LI

AREA: 1.20 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services-conditional overlay (CS-CO) combining district zoning. The Conditional Overlay limits the development of the property to 300 trips per day beyond the existing trips generated by the site.

ZONING & PLATTING COMMISSION RECOMMENDATION:

January 17, 2006: *APPROVED A POSTPONEMENT REQUEST TO 01/31/06 (STAFF)
[J. MARTINEZ; M. HAWTHORNE – 2ND] (7-0) J. GOHIL; K. JACKSON –
ABSENT*

January 31, 2006: *APPROVED LI-CO DISTRICT ZONING WITH SCRAP & SALVAGE
USE AS THE ONLY PERMITTED LI USE, PERMITTED GR USES; STAFF
RECOMMENDATION FOR VEHICLE TRIPS AND PROHIBIT PAWN SHOP
SERVICES.*

[K. JACKSON, J. MARTINEZ 2ND] (8-0) J. GOHIL – ABSENT

ISSUES:

The Conditional Overlay incorporates the conditions imposed by the City Council at First Reading.

DEPARTMENT COMMENTS:

The subject tract is developed with an auto salvage business, zoned single family residence standard lot (SF-2), and situated at the southeast corner of Ralph Ablanedo Drive and Cullen Lane. The surrounding area consists of planned residential, and existing, intensive commercial and industrial uses. There are auto-related uses directly west and south (vehicle storage and auto auction – CS-CO), and to the northwest (vehicle impound yard – LI-CO; CS-CO); undeveloped land that was recently approved for single family – small lot residence (SF-4A-CO); an urban farm, auto-related uses and a cocktail lounge to the east (GR-MU-CO; CS-CO; DR). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

Big 4 Auto Parts, a scrap and salvage use, has been in business since 1980 (prior to that it contained a manufactured home). The property was annexed on November 15, 1984 and the use existed prior to annexation. Big 4 includes an outside storage component, and therefore, is subject to the discontinuance provisions outlined in Section 25-2-947 of the Land Development Code.

The Applicant proposes to rezone the tract to the limited industrial services (LI) district for the auto salvage use, which is a conditional use in this district. The Applicant reports that changes to the current operations are not proposed at this time, but seeks zoning that reflects the uses of the property. If LI zoning is obtained, then a conditional use permit will be required if a significant expansion of the structure is proposed.

In consideration of the property's proximity to planned residential uses to the north, Staff recommends the CS-CO district. The Staff recommendation considers that while the auto salvage use existed prior to annexation, the property could be redeveloped in the future and CS-CO zoning would provide be compatible with the uses to the west, south and east and provide greater compatibility with the planned residences to the north. The Conditional Overlay limits the number of daily vehicle trips to 300 beyond the existing trips generated by the site.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Auto salvage business
<i>North</i>	DR; LI; LI-CO; CS-CO; SF-4A-CO	Steel fabrication business; Fiberglass supplier; Vehicle impound facility; Undeveloped (planned for single family residential); Industrial park
<i>South</i>	CS-CO	Auto auction
<i>East</i>	GR-MU-CO; CS-CO; DR	Urban farm; Towing services; Auto repair; Cocktail lounge
<i>West</i>	CS-CO; SF-2; SF-4A-CO	Vehicle storage; Manufactured homes; Single family residences

AREA STUDY: N / A

TIA: Is not required

WATERSHED: Onion Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

26 - Far South Austin Community Association
 262 - Beaconridge Neighborhood Association
 300 - Terrell Lane Interceptor Association
 428 - Barton Springs / Edwards Aquifer Conservation District

499 - Park Ridge Owners Association
 627 - Onion Creek Homeowners Association
 742 - Austin Independent School District
 948 - South by Southeast Neighborhood Organization

511 - Austin Neighborhoods Council

SCHOOLS:

Williams Elementary School Bedichek Middle School

Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0195 – Crippen Sheet Metal	DR to LI	To Grant LI-CO with the CO to allow light manufacturing and all LR uses, 300 trip limit above the existing traffic.	Approved LI-CO with the CO allowing for light manufacturing as the only LI use and all CS uses except those Staff recommended prohibiting; 300 trips above existing traffic, on First Reading; Scheduled for Second Reading on 3-23-06.
C14-05-0045 – Big 4	DR to LI	To Grant LI-CO for Tract 1 with CO to prohibit basic industry and resource extraction; CS-CO for Tract 2 (west 50 feet) with CO for 30' height limit. Additional CO for 300 trips beyond the existing generated.	Approved LI-CO; CS-CO as ZAP recommended (6-23-05).
C14-05-0034.SH – Peaceful Hill Subdivision	SF-6; W/LO; LI; DR to SF-4A	To Deny SF-4A	Approved SF-4A-CO with CO for: 1) 2,000 trips; 2) prohibit access to Peaceful Hill Lane; 3) a residential use shall comply with the measures under Section 25-13-44 (Airport Overlay Land Use Table) that achieve a minimum outdoor-to-indoor noise level reduction

			<p>of 25 decibels; 4) a 30-foot wide rear yard setback shall be established for a residential structure adjacent to a non-residential use or zoning district; and 5) the maximum height is one story adjacent to Crippen Sheet Metal.</p> <p>Restrictive Covenant for: 1) the Neighborhood Traffic Analysis; 2) construction of a pedestrian accessway to Peaceful Hill Lane; 3) center turn lane along Ralph Ablanedo Drive frontage; 4) 6' high solid masonry wall along property lines that do not abut Ralph Ablanedo Drive on the south and Peaceful Hill Lane on the west, and 5) an 8-foot high solid fence along the east property line (12-15-05).</p>
C14-04-0179 – Big 4	DR; SF-2 to CS	To Grant CS-CO with CO for fencing; landscape buffer; 30' structure height; prohibited uses and 2,000 trips. Street deed required on Cullen Lane. Public Restrictive Covenant for hours of operation.	Approved CS-CO district zoning with Street Deed and Public Restrictive Covenant as ZAP recommended (03-10-05).
C14-03-0076 – Ferrell's Farmers Market	DR to GR-MU	To Grant GR-MU-CO, with the CO prohibiting all residential uses except for the existing	Approved GR-MU-CO as ZAP recommended (7-17-03).

		residences and 2,000 trips.	
C14-00-2018 -- Wattinger Acres	DR to LI	To Grant LI-CO	Approved LI-CO with CO for 2,000 trips; no access to Hubach Lane; prohibited uses of scrap & salvage, pawn shops, service station, adult-oriented uses; auto sales and vehicle storage (05-11-00).
C14-99-2001 -- 8603 Cullen Avenue; 201 Ralph Ablanedo and 8503 South Congress Avenue	CS-CO to CS-CO, to delete a Conditional Overlay	To Grant CS-CO	Approved CS-CO, with CO for 2,000 trips; prohibit pawn shops and adult-oriented uses; F.A.R. of 1:1 (12-9-99).
C14-99-0039 -- Mickey Rich Plumbing and Heating, Inc.	DR to CS-1; LI	CS-1 request withdrawn; To Grant LI-CO with conditions	Approved LI-CO with CO for 2,000 trips; prohibited uses; no access to Hubach; F.A.R. limited to 0.039 to 1 for retail uses (8-19-99).
C14-85-093 -- Bruce Patterson, 8501 Peaceful Hill Lane	I-RR to LI	To Grant LI with use limited to steel fabrication and / or warehousing activities	Approved LI with Restrictive Covenant limiting the use of the property to steel fabrication and / or warehousing activities (1-16-86).

RELATED CASES:

The property was annexed into the City limits in November 1984. There are no related cases on the subject property.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	SIDEWALKS	CAPITAL METRO	BICYCLE PLAN
Cullen Lane	50 feet	Varies	Collector	No	No	Priority 1 Route #45
Ralph Ablanedo	65 feet	30 feet	Collector	No	No	Priority 1 Route #45

CITY COUNCIL DATE: March 2, 2006

ACTION: Approved LI-CO district zoning with the CO to address scrap and salvage as the only the permitted LI use, all CS uses except for pawn shop services which is to be prohibited, and limit the development of the property to 300 trips per day beyond the existing trips generated by the site, on First Reading (7-0).

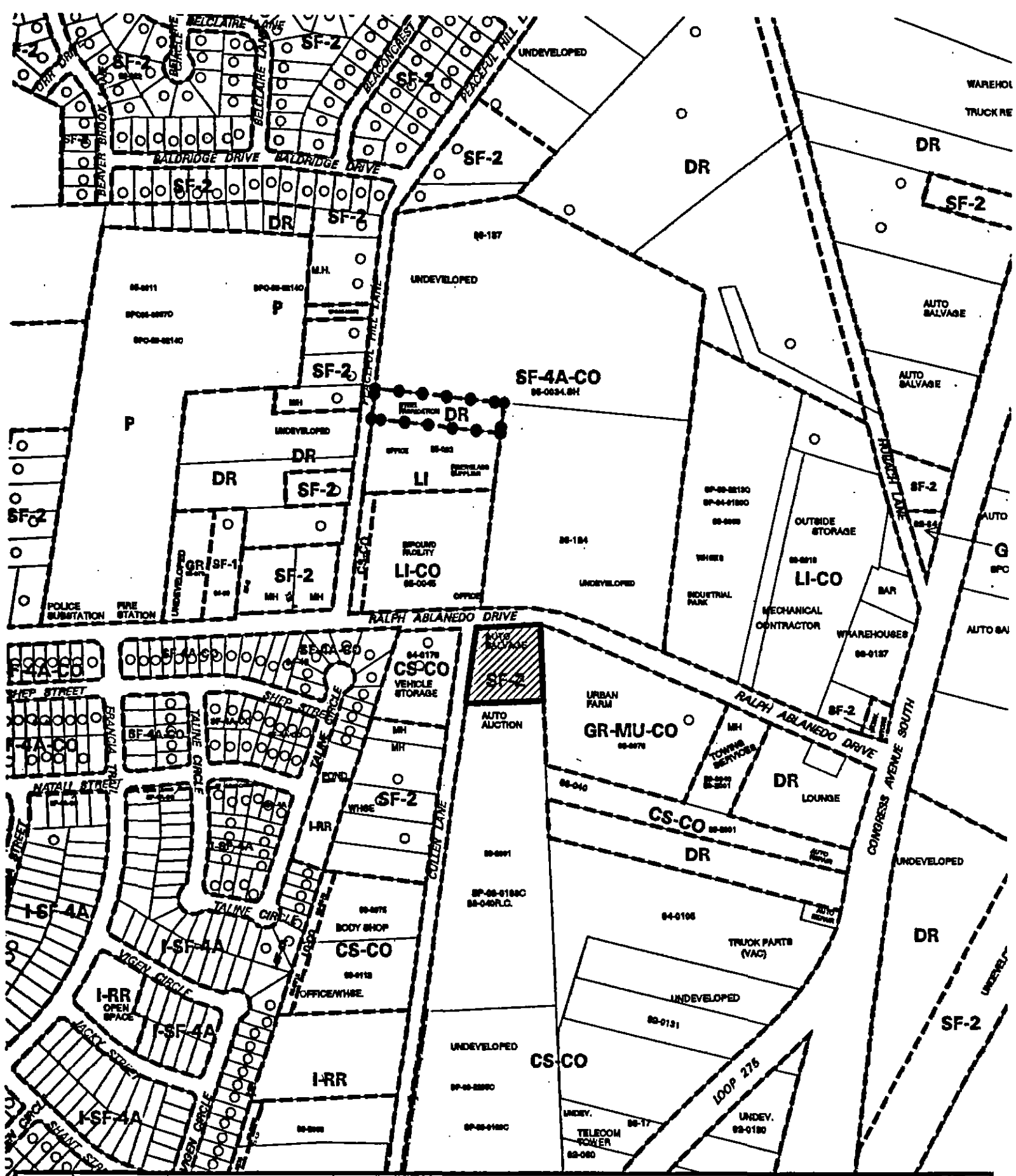
March 23, 2006

ORDINANCE READINGS: 1st March 2, 2006 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719



	SUBJECT TRACT 	ZONING EXHIBIT A		CITY GRID REFERENCE NUMBER G14
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-05-0209 ADDRESS: 221 RALPH ABLANEDO DR SUBJECT AREA (acres): 1.200	DATE: 06-01 INTLS: SM	
	CASE MGR: W. WALSH			



SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services-conditional overlay (CS-CO) combining district zoning. The Conditional Overlay limits the development of the property to 300 trips per day beyond the existing trips generated by the site.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. The proposed zoning should be consistent with the purpose statement of the district sought.

The LI district designation is for a commercial service use or limited manufacturing use generally located on a moderately sized site.

CS, Commercial Services, zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

In consideration of the property's proximity to planned residential uses to the north, Staff recommends the CS-CO district. The Staff recommendation considers that while the auto salvage use existed prior to annexation, the property could be redeveloped in the future and CS-CO zoning would provide be compatible with the uses to the west, south and east and provide greater compatibility with the planned residences to the north. The Conditional Overlay limits the number of daily vehicle trips to 300 beyond the existing trips generated by the site.

EXISTING CONDITIONS**Site Characteristics**

The property is developed as an auto salvage business. The site is relatively flat and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the LI or CS zoning districts would be 80%, which is based on the more restrictive watershed regulations.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Onion Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current

watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals which preempt current water quality or Code requirements.

Transportation

No additional right-of-way is required at this time. At the time any portion of this site is redeveloped, additional right-of-way along Cullen Lane, up to 35' from the centerline, may be required to be dedicated.

The trip generation under the requested zoning is estimated to be 4,455 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 300 vehicle trips per day beyond the existing trips generated by the site. [LDC, 25-6-117]

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation or utility adjustments are required, the landowner, at own expense, will be responsible for providing. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

Compatibility Standards

There are no existing site plans in review.

The site is subject to compatibility standards. Along the west property line, the following standards apply:

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

10. Rezoning: C14-05-0209 - Blg 4
Location: 221 Ralph Ablanado Drive, Onion Creek Watershed
Owner/Applicant: Big 4 Auto Parts (Jim Pallas)
Agent: Jim Bennett Consulting (Jim Bennett)
Postponements: Postponed from 12/20/05 (staff); Postponed from 01/17/06 (staff)
Request: SF-2 to LI
Staff Rec.: RECOMMENDATION OF CS-CO
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
Neighborhood Planning and Zoning Department

**APPROVED LI-CO DISTRICT ZONING WITH SCRAP & SALVAGE USE AS THE ONLY PERMITTED LI USE, PERMITTED GR USES; STAFF RECOMMENDATION FOR VEHICLE TRIPS AND PROHIBIT PAWN SHOP SERVICES.
[K.JACKSON, J.MARTINEZ 2ND] (8-0) J.GOHIL – ABSENT**

SUMMARY

Wendy Walsh, staff, gave staff presentation.

Commissioner Baker – Mr. Bennett at this junction we're going to preclude unless we need it; I'm going to ask Mr. Jackson if he would like to try a motion, since we just heard a case in the same proximity and same circumstances.

Commissioner Jackson – We won't keep you from having a public hearing; we're just trying to speed the meeting up.

Mr. Bennett – I'd like to say something. Based on the motion that preceded this case, I think it impels me to point out; to the west of us we have CS zoning.

Commissioner Baker – Mr. Bennett, let's get a motion on the table, if you don't like it then you can talk to us.

Mr. Bennett – Very well.

Commissioner Jackson – I would propose for consideration; CS-CO, the CO would be to allow the existing CS use, which is the auto salvage, all other uses will be GR; trip limitation what is used today plus 300 trips added.

Commissioner Baker – Before we get a second to that, Mr. Bennett, do you have a problem with that motion?

Mr. Bennett – I believe the ordinance would require LI for the vehicle salvage.

Ms. Walsh – Scrap and salvage requires LI zoning. Auto salvage is an LI use; vehicle storage is a CS use.

Commissioner Baker – Is it a junk yard, or is it auto storage?

Ms. Walsh – It says auto salvage on it.

Mr. Bennett – LI, CS-CO would work for me.

Commissioner Baker – Could you amend your motion to LI-CO with this as the only existing permitted LI, CS use, permitted GR uses; if this use ceases, a rollback to GR; trip limitation as established by staff.

Commissioner Jackson – Sure.

Commissioner Martinez – Second.

Commissioner Baker – Mr. Bennett, we have a motion and a second on the table for LI-CO, with the existing auto salvage as the only industrial/commercial use; permitted GR uses; and the trip limitations as recommended by staff; will that work?

Mr. Bennett – The only problem is if we can amend that GR to CS uses, because we would be surrounded by CS on three sides?

Commissioner Hawthorne – Will you prohibit pawnshops, funeral parlors, blood plasma centers.

Mr. Bennett - Yes.

Commissioner Jackson – I am disinclined as the maker of the motion; someone can make a substitute, but I am disinclined to go with CS uses. I would like to see the GR uses and hope that it goes that direction over time.

Commissioner Baker – We have not had a public hearing; if Mr. Bennett does not agree, then we'll take a 20 minute break.

Break taken.

Commissioner Baker – Mr. Bennett this is a public hearing and I will not take away your right to speak to us.

Mr. Bennett – We'll be willing to waive the public hearing and will await a motion from the commission.

Commissioner Baker – We have a motion on the table for LI-CO, with the conditional overlay allowing auto salvage as the only permitted LI use, permitted GR uses, and the trip limitation as recommended by staff; prohibit pawnshops. Mr. Bennett, your applicant does not concur with our motion, but you are willing to let us vote on it?

Mr. Bennett – That's correct.

Commissioner Baker – Everyone understand the motion?